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SECTORY\$

Patent Docket P1053R2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Brian M. Fendly et al. Serial No.: 08/948,149 Filed: 09 October 1997 For: ANTI-ErbB2 ANTIBODIES	Group Art Unit: 1801 Examiner: To be assigned CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on March <u>6</u> , 1998 <i>Sandra K.T. Sullivan</i> Sandra K.T. Sullivan
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RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

RECEIVED

BOX MISSING PARTS
Assistant Commissioner of Patents
Washington, D.C. 20231

MAR 16 1998

MATRIX CUSTOMER
SERVICE CENTER

Sir:

This is responsive to the Notice to File Missing Parts - Filing Date Granted dated January 8, 1998.

Transmitted herewith are the following documents:

1. Declaration duly executed.
2. Copy of PTO 1533.

The Commissioner is hereby authorized to deduct the appropriate surcharge fee of \$130 associated with this communication or credit any overpayment to Deposit Account No. 07-0630. A duplicate of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

By: *Wendy M. Lee*

Wendy M. Lee

Reg. No. 40,378

Date: March 5, 1998

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UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
08/948,149	10/09/97	FENDLY	B P1053R2

0242/0108

WENDY M LEE
I DNA WAY
SOUTH SAN FRANCISCO CA 94080

NOT ASSIGNED

1801

DATE MAILED:

01/08/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 130 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ large entity ☐ small entity (verified statement filed), is \$ 130.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are:

- ☒ missing.
- ☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).☐ 7. Your filing receipt was mailed in error because your check was returned without payment.☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the response.

S. Martin
Customer Service Center
Initial Patent Examination Division (703) 308-1202

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